HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7365 of 2007

Dated:12.04.2007

Between:

Mohammed Suleman and another.

…Petitioners

and

The District Collector, Mahabubnagar and another.

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7365 of 2007

ORDER:

The two petitioners made an application to the second respondent under Section 9 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (for short, 'the Act'). In the said application, they allege that the land in survey No.87, originally belonged to Mohammed Burhan and Abdul Sattar, fathers of the first and second petitioners, respectively, and that in revenue records, the name of Venkatalaxmi D/o Achi Reddy was mentioned. They allege that the wrong entries were also made in respect of the land comprised in survey No.88. Therefore, they requested the Mandal Revenue Officer to enquire into the matter and grant succession to the petitioners as legal heirs of the erstwhile owners. In this Writ Petition, they seek a direction to the second respondent to dispose of the matter.

As rightly pointed out by the learned Assistant Government Pleader for Revenue (General-T), the Mandal Revenue Officer is not the competent authority under Section 9 of the Act. Secondly, even if such an application is treated as one under Section 40 of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950 (for short, 'the Tenancy Act'), as held by this Court in **Syed Abdul Majeed v. Joint Collector-II, Ranga Reddy District**[1], the Mandal Revenue Officer is not the competent authority to grant succession. Section 40 of the Tenancy Act only declares that the tenancy is heritable by lineal descendents of the protected tenant.

The Writ Petition is misconceived and the same is accordingly

dismissed. No costs.

(V.V.S.RAO, J)

12.04.2007
GJ

[1] 2006 (5) ALD 348=2006 (5) ALT 754